IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 932 of 2007

HAJARI LAL & ANR.
V/S
NATHU LAL & ORS.

Mr. MS GODARA for Mr. VINIT KUMAR MATHUR, for the appellant / petitioner

Mr. HL KELA, Mr.SURESH SHRIMALI, for the respondent

Date of Order : 21.5.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the parties.

By the impugned order, the learned trial Court has directed the petitioner to pay the deficit stamp duty and 10 times penalty.

Learned counsel for the petitioner submits that he was not prepared to have the stamp duty and penalty adjudicated by the learned trial Court, rather the document was required to be impounded and sent to the Collector concerned for adjudication of appropriate leviable stamp duty and penalty.

In my view, in the circumstances of the case, it would be appropriate to impound the document, and send it to the Collector (Stamps) concerned to adjudicate the appropriate leviable stamp duty and penalty after hearing the parties, and thereafter if the petitioner deposits the

determined stamp duty and penalty, the document may be admitted in evidence, otherwise it will not be admitted in evidence. The parties are directed to appear before the Collector on 9th of July 2007. The petitioner shall produce the photostat copy of the document before the Collector (Stamps) for proper adjudication.

The writ petition is, accordingly, disposed of.

(N P GUPTA),J.

/tarun/